

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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UNITED STATES OF AMERICA

v.

VLADISLAV KLYUSHIN  
Defendant

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CRIMINAL NO. 21-cr-10104-PBS

**RESPONSE TO MOTION IN LIMINE TO ADMIT STATEMENT OF THE  
DEFENDANT**

Time and again, the government’s eleventh-hour in limine motion – filed and served around 5:30 pm the Sunday night before a Monday morning trial – denies that it wants to open on a photo of four “expensive,” “six-figure” Porsches to show that defendant Vladislav Klyushin is “rich,” that he’s “wealthy” or “as evidence of Klyushin’s wealth.” Dkt. 160. The government protests too much. Rule 403 thwarts this transparent bid to stoke class-based resentment from the case’s very outset.

Why? There will be no dispute that M13 traded on behalf of investor clients Boris Varshavskiy and Sergey Uryadov. Much less will the defense contest that Klyushin enjoyed a very close relationship – personal and professional – with Ivan Ermakov. Nor will we deny that Klyushin’s trading activity was lucrative. To the contrary, the government will present ample evidence of all these truisms, including photos of a yacht, luxury vacations, lavish meals and access to exclusive sporting events, along with lengthy electronic chats and extensive financial records. Opening on a quartet of Porsches thus amounts to cumulative piling on that serves no real purpose except the obvious one: painting Klyushin as a rich Russian oligarch and inciting the jury to convict him on that impermissible basis. If the defense disputes that Ermakov worked

for M13, the government can seek to introduce the Porsche evidence as rebuttal. But opening on it to stir up wealth-rooted animosity against Klyushin from jump is enormously prejudicial, overwhelming any marginal – and entirely contingent – probative value the evidence might have in the abstract.

Separately, the motion's tardy filing is just the latest installment in an emerging pattern of last-minute government submissions in this case. Since Friday night and every night thereafter the government continues to submit new documents and exhibits to the defense. An estimated 150 exhibits are new or have been updated since the submission of the joint exhibit list to the Court. That list and the objections that the parties worked on, at this point, are largely meaningless. Undoubtedly burying the defense in a mountain of paper on the eve of trial is a rewarding tactic, but it also seriously comprises Mr. Klyushin's due process rights and his chance for a fair trial.

Respectfully Submitted,  
Vladislav Klyushin,  
By His Attorney,

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Dated: January 29, 2023

**CERTIFICATE OF SERVICE**

I, Maksim Nemtsev, hereby certify that on this date, January 29, 2023, a copy of the foregoing documents has been served via Electronic Court Filing system on all registered participants.

**/s/ Maksim Nemtsev**  
Maksim Nemtsev, Esq.